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"Subcontracting" Nation-Building The Foreign Prince in the Romanian Parliament, 1866-18671*

SILVIA MARTON

The paper starts from the assumption that 1866 – the year a foreign prince is invited to the Romanian throne and a constitutional government is introduced – elevates to the rank of state ideology the discourse of the "unitary nation" that immediately becomes the hegemonic narrative. As early as 1866, at the dawn of mass politics in Romania, the parliamentarians compensate for the late and weak statehood (with internal challenges and even separatist movements, and difficult international acknowledgment) with the patriotic rhetoric of national brotherhood and the exclusivist appraisal of "Romanianness". This contribution also holds that it is opposition to the neighboring empires (mainly to the Ottoman) that keeps together the Romanian political community (and a significant number of ethno-national political communities in Eastern Europe) during the 19th century. In this context, 1866 correlates the ideology of the nation with the practicalities related to the symbols and instruments of statehood.

This paper builds upon Ivan T. Berend's¹ contention that the "deviation" from the Western nation-state model in Eastern Europe is less a cause, but rather a consequence of the multiple internal weaknesses which, for their most part, predated foreign dependence.

The first part examines the foundations of the new regime, by drawing comparisons with Greece. In May-June 1866 Romania condenses Greece's experience from March 1844 to March 1864. In both cases, the foreign prince from a European royal family (respectively Karl Ludwig von Hohenzollern-Sigmaringen and Otto von Wittelsbach, Prince of Bavaria) is considered the price to pay in order to gain the foreign powers' protection and their support for obtaining political autonomy, if not yet independence from the Ottoman Empire.

The paper analyses the political and constitutional arguments of the Romanian parliamentarians in favor and against the foreign prince, by adopting the perspective of the *histoire conceptuelle du politique* of Pierre Rosanvallon². Such an approach allows a better understanding of the nature of the new regime and the nature of the foreign prince's legitimacy. Some of the main questions asked are: to what extent the new prince is ready to accept *de facto* and *de jure* the contractual nature of the Constitution in Romania (and in Greece)? What is the meaning of the

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¹ Ivan T. BEREND, *History Derailed. Central and Eastern Europe in the Long Nineteenth Century*, University of California Press, Berkeley and Los Angeles, 2003, p. 20 and *passim*.

² Pierre ROSANVALLON, *Pour une histoire conceptuelle du politique*, Leçon inaugurale au Collège de France, Seuil, Paris, 2003; IDEM, *Le sacre du citoyen. Histoire du suffrage universel en France*, Gallimard, Paris, 1992, pp. 22-24.

"Constitution" for both the parliamentarians and Charles I (the name taken by the von Hohenzollern as ruling Prince of Romania)? Who is the holder of the *pouvoir constituant* in 1866? Why is the reference to the autochthonous constitutional tradition absent in 1866? How to explain the xenophobic arguments of the parliamentarians who oppose the foreign prince?

The second part of the paper examines three of the first major pieces of legislation adopted during the first parliamentary session of 1866-1867 – on the new national currency, national day and coat of arms – in order to integrate the foreign prince and his dynasty into the national narrative and imaginary, and to make visible the signs of state autonomy. In doing so, the Romanian parliamentarians adopt an extremely historicist¹ discourse, while Charles himself aims at being seen a genuine sovereign according to his rank and to his ambitions for the adoptive nation.

"In the Name of the Romanian People"

By its elected representatives, the nation exerts its sovereignty in the Constituent Assembly of 1866, by instituting the new political order. It is the first assembly popularly elected (through a Prussian-style and census-based college system) in Romania with the specific purpose to work out a Constitution. It is what Teodor Latesş underlines as answer to the question "in whose name is this Constitution made?" in his intervention of June 18 in the Constituent Assembly, at the opening in plenary session of the debates on each article of the constitutional draft:

"This national Assembly, constituent, works today in the name of the Romanian people and gives this Constitution to the Romanian people, to the Romanian nation [...] We need, Sirs, to understand very clearly the significance of this Constitution, [...] it can proceed only from the initiative of the sovereignty of the nation, and the head of the state is only called to accept it or reject it; because this Parliament does not discuss this Constitution in the name of the prince, but in the name of the Romanian people"².

Teodor Latesş' words summarize the two key issues in the Romanian Principalities in the summer of 1866: the role and meaning of the Constitution, and the constitutional position of the foreign prince.

In February 1866, a coup removed the Prince, colonel Alexandru Ioan Cuza, and the authors of the coup, both liberal and conservative politicians, invited Karl Ludwig von Hohenzollern-Sigmaringen to the Romanian throne. Cuza was elected in both Walachia and Moldova in 1859 and thus the great powers recognized the

¹ By assuming more or less consciously an evolutionary and organicist view on history (inaugurated by the Romanian militants of 1848), as explained by Peter F. SUGAR, Ivo J. LEDERER (eds.), *Nationalism in Eastern Europe*, University of Washington Press, Seattle, 1994; Paul CORNEA, *Originile romantismului românesc. Spiritul public, mişcarea ideilor şi literatura între 1780-1840*, Minerva, Bucureşti, 1972; and François HARTOG, *Évidence de l'histoire. Ce que voient les historiens*, Éd. de l'EHESS, Paris, 2005.

² *Dezbaterile Adunării Constituante din anul 1866 asupra constituţiunii şi legii electorale din România*, publicate din nou în ediţiune oficială de Alexandru PENCOVICI (thereafter DAC), Tipografia statului, Curtea Şerban-Vodă, 1883, p. 57. In this study, all the translations in English of the parliamentary debates belong to me.

unification of the two Principalities for the duration of his reign, albeit under Ottoman suzerainty. On May 8, 1866, Prince Charles arrives in the country and a few days later he takes an oath before the Parliament. On May 11, 1866 Charles names the new Council of minister, the first government of the new regime. Within less than two months since the oath of the new prince, the Constituent Assembly votes and adopts on June 29, 1866 the new Constitution, promulgated by the prince on June 30¹, entered into force on July 1st, 1866. The Constituent Assembly discussed and adopted the Project of Constitution worked out by the Council of State (in February 1866) and accepted by the Council of ministers. On July 6, 1866 the Constituent Assembly is dissolved. Charles is soon recognized by the great powers and in October 1866 by the Sultan himself. However, the Sultan's suzerainty is preserved until 1878, at the end of the Oriental crises of 1875-1878 followed by the Treaty of San Stefano².

In May-June 1866, Romania condenses the experience of Greece of March 1844 until March 1864³. In both cases, the foreign monarch of a royal European family (Otto von Wittelsbach, Prince of Bavaria, sovereign of Greece under the name of Otto I as from February 1833) is considered the price to pay in order to gain and keep the foreign powers' protection and their support for obtaining political autonomy and independence from the Ottoman Empire (Greece in 1832, Romania only in 1878). In both cases, the person of the European sovereign is seen as the best means for the acclimatization of the Western constitutional and parliamentary practices and for the entry in the community of "civilized" states, while the prestige of their families is considered to be a guarantee for the existence of the Romanian and Greek new states. In March 1844 in Greece, as in May 1866 in Romania, the main constitutional question is: the young hereditary monarch is ready to accept *de facto* and *de jure* the contractual nature of the Constitution?

After the official end of the Bavarian regency in 1835, Otto refuses to give a Constitution, but he continues the institutional, legal and administrative construction of the state on the Western model started under the rule of the regency (from 1830 to 1835)⁴. The strong Bavarian influence, Otto's refusal to give a Constitution and his strong authoritative inclinations were among the most important reasons which led to the peaceful coup of September 1843 perpetrated by politicians and Greek officers who required a Constitution. Following these events, Otto accepts

¹ Arhivele Naționale, Fond Parlament (Adunarea Deputaților) 779 vol. I-1, dosar 354/1865, f. 218.

² For the analysis of Cuza's end of reign and his abdication, an overview of the events of 1866, Charles' arrival in the Principalities, and the attitudes of the great powers, see Ivan T. BEREND, *History Derailed...cit.*, pp. 129-130; Paul E. MICHELSON, *Conflict and Crisis: Romanian Political Development, 1861-1871*, Garland Publishing, New York and London, 1987, pp. 71-125; IDEM, *Romanian Politics, 1859-1871. From Prince Cuza to Prince Carol*, The Center for Romanian Studies, Iași, Oxford, Portland, 1998, pp. 107-185. For the events of 1866, see also Sorin Liviu DAMEAN, *Carol I al României*, vol. I, 1866-1881, Paideia, București, 2000, p. 29; Ion MAMINA, Ion BULEI, *Guverne și guvernanți (1866-1916)*, Silex, București, 1994, p. 11.

³ For an introduction to the constitutional history of Greece, see especially Richard CLOGG, *A Short History of Modern Greece*, Cambridge University Press, Cambridge, 1979, pp. 43-104 and IDEM, *Scurtă istorie a Greciei*, Roum. transl. by Lia Brad Chisacof, Polirom, Iași, 2006 (translation of *A Concise History of Greece*, 2002, 1st ed. 1992), pp. 23-110; John Anthony PETROPULOS, *Politics and Statecraft in the Kingdom of Greece, 1833-1843*, Princeton University Press, Princeton, 1968.

⁴ The period of 1833 to 1843 of the Greek constitutional history is rather close to the Romanian experiment under the reign of Cuza after his authoritative coup of May 2, 1864, until his forced abdication in February 11, 1866.

the convocation of a Constituent Assembly to discuss the so much awaited Constitution. Considered by the king and the assembly as a contract between the king and the people, the Constitution is promulgated in March 1844. It puts the bases of a rather liberal parliamentary system; however, the royal prerogatives are not reduced. If Greece passes by a new coup followed by the abdication of Otto (his successor is George of the Danish dynasty Glücksburg) and by the adoption of a new more liberal Constitution in 1864 before the prerogatives of the sovereign are limited to the powers explicitly guaranteed by the Constitution¹, the Romanian Constitution of 1866 envisages from the start the institutions and the principles of the constitutional monarchy and dualistic parliamentarism. Romania achieves its "1688" in a peaceful way when in May 1866 Charles takes an oath in front of the Constituent Assembly and accepts in July the Constitution discussed and voted by it. The words of Teodor Lăteş of May 1866 are revealing in this respect. The deputy defines the Constitution as a contract between the Romanian people and the sovereign, while art. 96 of the final text of the Constitution says that the prince has no other prerogatives except those which the Constitution gives to him.

Once the constitutional moments of 1844, 1864 and 1866 have passed, in the two states the political practices often remain far below the liberal constitutional forecasts. In both cases, the greatest difficulties in the functioning of the regime remain the relationship between the executive (the king) and the legislature, and the authoritative inclinations of the sovereigns². Starting with 1866, the executive's supremacy in Romania is due to the fact that the Prince has the constitutional right to nominate and dismiss the ministers (art. 93.1) and to dissolve at any time the two Chambers of the legislative (simultaneously or separately) (art. 95.6). Therefore, the Prince, not the Parliament, forms the government, and the classical rule of a parliamentary regime is thus very often infringed. Moreover, the parliamentary majority is the expression of the government's will through the following procedure: the Prince asks the government to resign; he appoints a new government and dissolves the Parliament; by the elections (controlled and organized by the ministry of Interior), characterized by numerous pressures from the government *via* the prefects, the government makes sure to have the majority in the legislative. In the same time, the government's responsibility to the legislative has progressively become a formality. The legislative initiative comes most often from the government³.

Given all these characteristics and practices, the Romanian constitutional political system was labeled, since its very introduction in 1866, "governmental rotation under parliamentary form" or "governmental regime under parliamentary form"⁴.

¹ The overthrow of Otto in 1862 is due largely, not to the popular opposition to his unconstitutional rule, but rather to the fact that, having forfeited the sympathy of the protecting powers, he became a national liability: this seems to be the general idea in Nicholas KALTCHAS, *Introduction to the Constitutional History of Modern Greece* (prepared under the Auspices of the Columbia University Council for Research in the Social Sciences), Columbia University Press, New York, 1940.

² It is one of the critical key ideas of the antidynastic opposition in Romania in 1869-1871.

³ For the functioning of the Romanian regime, see Paraschiva CÂNCEA, Mircea IOSA, Apostol STAN, *Istoria parlamentului și a vieții parlamentare din România până la 1918*, Ed. Academiei R.S.R., București, 1983, pp. 166-167; Keith HITCHINS, *România. 1866-1947*, Roum. transl. by George G. Potra and Delia Răzdolescu, Humanitas, București, 1996 (1st ed. 1994), p. 38; Ioan STANOMIR, *Libertate, lege și drept. O istorie a constituționalismului românesc*, Polirom, Iași, 2005, pp. 66-78.

⁴ Matei DOGAN, *Analiza statistică a "democrației parlamentare" din România*, Ed. Partidului Social-Democrat, București, 1946, pp. 69, 109-110, and note 2, p. 109. The expression "governmental

Daniel Barbu, drawing on Guiglielmo Ferrero's expression in analyzing the French political regimes, calls the new regime installed in 1866 a "dualist regime"¹, namely a regime in which power is divided between the Prince and the Parliament, and elections are almost always the result of the executive's will. The clearest proof is the absolute veto right Charles was finally given (art. 93.2 and 3). It was his express wish to have such a right and he was supported by the conservatives from the Constituent Assembly (generally conservative in tenor). It was through this mechanism that the royal power was subtracted from the classical parliamentary game (namely the difficult relationships between the government and its majority), by exercising the role of an arbiter².

Nevertheless, the Parliament plays a major role in the legislative activity. No legislative proposal is adopted during these years outside the Parliament³. Drafts and pieces of legislation are vividly debated and voted by the parliamentarians. Moreover, the Romanian Parliament confirms the fundamental principle of political modernity: the representation of the nation legitimized in the name of the sovereignty of the people. The Constitution of 1866 acknowledges this principle: all powers come from the nation which can exercise them only through delegation, according to the provision of the Constitution (art. 31), and the members of the two assemblies represent the nation (art. 38).

The frequent elections and dissolutions of the Parliament, and the governmental instability during at least the first five years of the new constitutional regime reveal however the nature of Romania's parliamentarianism and its specific type of parliamentary public life. Political life is dominated by frequent legislative elections (influenced by the government and the prefects), lively debates in the legislative, frequent government formations and resignations, adjustment of the wishes of the prince, majoritary voting, pressures from the public opinion (notably the press)⁴. The parliamentarians do not introduce the English type of parliamentarism with governments chosen in the majority who won the elections; on the contrary, they grant to the Prince and accept his freedom to designate the head of the Council of ministers (and his main collaborators) who then organizes and controls elections, after the dissolution of the legislative body by the prince himself. Charles learns quickly how to use the relationships between the different political groups. During 1866-1871 the political relationships between the different constitutional partners are all the more difficult because the groups or parliamentary coalitions are difficult to describe, since issues related to persons have the same weight (if not more) as opinions or doctrines. The Romanian parliamentary practice confirms the characteristic feature of parliamentarism in the 19th century

rotation" (*rotativă guvernamentală*) belongs to Dogan. An alternative translation would be "imposed governmental change".

¹ Daniel BARBU, *Republica absentă. Politică și societate în România postcomunistă*, Nemira, București, 2004 (1st ed. 1999), pp. 172-174; IDEM, "Can Democracy Be its Own Enemy? The Intended Consequences of the 2004 Romanian Elections", *Studia Politica. Romanian Political Science Review*, vol. V, no. 1, 2005, p. 13.

² Ioan STANOMIR, *Nașterea Constituției. Limbaj și drept în Principate, până la 1866*, Nemira, București, 2004, pp. 403-405.

³ Keith HITCHINS, *România...cit.*, p. 39.

⁴ This type of parliamentary life is similar to that of the Monarchy of July in France, see François FURET, *La révolution française*, vol. II, *Terminer la Révolution. De Louis XVIII à Jules Ferry (1814-1880)*, Hachette, Paris, 1988, p. 133.

which relies heavily on rhetoric abilities and on argumentation. Parliamentary deliberation and rhetoric based on the freedom of speech are more important than partisan or group discipline – hence the prevailing role of the questions to ministers, the parliamentary commissions' work and the majority relationship¹.

Between May and June 1866, the institutional rupture in Romania is not large compared to the previous regime, even if the operating principles of the regime change radically (especially compared to the authoritative period of Cuza's reign). For this reason, it should be stressed the continuity of the Council of State and the Senate, two institutions introduced for the first time in the autochthonous constitutional practice by Prince Cuza. A possible response to the persistence of these institutions is the concern of the members of the provisional government of keeping the strictest possible legality after the forced abdication of the former Prince, in the context in which the great powers were contesting the political and constitutional developments in Romania. Moreover, the new cabinet's key problem was lending credence to the argument for legitimacy and continuity of the new regime².

The constitutional text approved by Cuza following his *coup d'état* of May 2nd, 1864 (leading to the concentration of power in his own hands) and known under the name of "Statute developing the Convention of Paris" envisages for the first time the existence of the Council of State³. Inspired from the French Constitution of 1852, the "Statute" extends the prerogatives of the Prince, eliminates the countervailing powers which could have limited the exercise of his prerogatives, and grants him monopoly on the legislative initiative. According to the model of the Second Empire⁴, for exercising his legislative prerogative the Prince is assisted by the Council of State charged to prepare the bills and to defend them in front of the two Chambers. The role of the Council was in the continuity of attributions of the Central Commission of Focșani, instituted by the Convention of Paris of 1858 and whose role had been to prepare the bills during the years of legislative and administrative unification of the two provinces⁵. As the Commission finished its task in January 1862 and was then dissolved, according to Cuza it was the Council of State which was supposed to succeed to it⁶.

The draft Constitution submitted to the Constituent Assembly by the Council of State in 1866 provides for the continuity of the Council, i.e. the legislative power

¹ On parliamentary deliberation and on deliberation as a principle of government during the 19th century, see Nicolas ROUSSELLIER, *Le parlement de l'éloquence: la souveraineté de la délibération au lendemain de la Grande Guerre*, Presses de Sciences Po, Paris, 1997.

² Paul E. MICHELSON, *Romanian Politics, 1859-1871...cit.*, p. 159.

³ Cuza revised the existing quasi-Constitution, in fact the Convention of Paris of 1858 issued by the guarantor great powers, and meant to settle the domestic and foreign statute of the two Principalities. The Convention was a granted document (*octroyé*), it introduced the representative government and the separation of powers, and it recognized some individual rights and freedoms.

⁴ For the role of the Council of State under the Second Empire, see what is still the reference, Vincent WRIGHT, *Le Conseil d'État sous le Second Empire*, Armand Colin, Paris, 1972. Wright deconstructs the myth that the Council of State was a complacent body in the authoritarian apparatus set up by Napoleon III to strengthen the executive branch, when in truth, while developing a strong *esprit de corps*, it had a considerable role in the legislative field.

⁵ The Commission appointed by Cuza in 1859, following his election in both Moldova and Wallachia, to organize the legal, administrative and institutional unification of the two Principalities, *de facto* and *de jure* united in December 1861.

⁶ For the origins of the Romanian Council of State and its prerogatives, see Ioan STANOMIR, *Libertate, lege și drept...cit.*, pp. 42-49, and Ioan C. FILITTI, *Izvoarele Constituției dela 1866*, Tipografia ziarului "Universul", București, 1934, pp. 15-16.

is exercised jointly by the Prince, attended, as in the past, by the Council of State and by a unicameral assembly. It is true that the Constitution of 1866 says (art. 131) that the Council of State will cease to exist as soon as a new law will determine who has the authority to exercise its powers¹. However, the Council's role in preparing the draft Constitution was fundamental since the provisional government remains faithful to the principle presiding over Cuza's reign that it is only the executive (the Prince) who has legislative initiative, helped by the Council of State. The Council's draft becomes thus the government's draft.

The Project of Constitution, just as the final form of the Constitution of 1866, were not improvisations of the moment or simple translations of the Belgian Constitution of 1831, but that, quite to the contrary, they were based on an indigenous constitutional tradition², though recent. Moreover, the majority of the authors of the invitation to the Romanian throne of a foreign dynasty and the members of Constituent Assembly of 1866 were members in the 1857 divans (elected assemblies convened by the Paris Congress of 1857 to express their view on the Romanian state) of the two Principalities³. The *rapporteur* of the commission of the Council of State in charge of the constitutional draft during February-March 1866, the general Ion Ghica, declared in March 1866:

"During the drafting of the project, the commission took into consideration not only the Constitution of the Central Commission, but also the Convention of 1858 (i.e. of Paris), which is based on the beneficial principles of the French Revolution of 1789, and the Constitution of the Kingdom of Belgium"⁴.

A translation in Romanian of the Belgian Constitution had already been published in 1857⁵. The Council of State considered initially the draft Constitution

¹ The same article says that the Supreme Court of Appeal will come to a conclusion as in the past about the conflicts of attributions. The question is definitively settled by the law of revision of the Constitution of June 8, 1884. Art. 131 revised becomes art. 130 and it provides that "the Council of State, with attributions of settling administrative disputes, cannot be restored. The Supreme Court of Appeal will pronounce as in the past on the conflicts of attributions".

² Ioan C. FILITTI, *Izvoarele Constituției...cit.*, pp. 3-7 and *passim*; Ioan STANOMIR, "The Temptation of the West: the Romanian Constitutional Tradition", in Mihaela CZOBOR-LUPP, J. Stefan LUPP (eds.), *Moral, Legal and Political Values in Romanian Culture*, Romanian Philosophical Studies, IV, The Council for Research in Values and Philosophy, 2002, pp. 87-91. The most recent references in the field are Ioan STANOMIR, *Nașterea Constituției...cit.*, and IDEM, *Libertate, lege și drept...cit.* Alexandre Tilman-Timon considers that the text of the Constitution of 1866 is predominantly inspired from the Belgian Constitution of 1831, but he agrees with Filitti's analysis on its local sources. Tilman-Timon writes that the Belgian influence on Romanian politics and legal system goes back to 1848. Starting with 1848, the patriots and the partisans of the union of the two Principalities found in Belgium a favorable ground for the development of the democratic ideas. The evidence is some Belgian reviews favorable to the Romanian emancipation from the Ottoman and foreign influence: *La République Roumaine* (1851), *L'Étoile du Danube* (1856), *La Presse Belge* (1856). For this period, Tilman-Timon identifies the Belgian legal influences on laws adopted in the Principalities: the law of the press of 1856 in Moldova; the law on the organization of the Supreme Court of Appeal of 1861; the new law of the press of 1862; the communal law of 1864 etc. (Alexandre TILMAN-TIMON, *Les influences étrangères sur le droit constitutionnel roumain*, Librairie du Recueil Sirey-Cugetarea-Georgescu Delfras, Paris-București, 1946, pp. 323-329).

³ Ioan STANOMIR, *Nașterea Constituției...cit.*, p. 400.

⁴ C.C. ANGELESCU, *Izvoarele Constituției române dela 1866*, București, 1926, pp. 11-12, *apud* Ioan C. FILITTI, *Izvoarele Constituției...cit.*, p. 4.

⁵ T. VEISSA, *Constituția, legea electorală și organizarea judecătorească a Belgiei*, Iași, 1857 *apud* André VAN NIEUWENHUYSEN, "Relevé d'archives roumaines relatives à l'histoire de la Belgique",

worked out by the Central Commission of Focșani in 1859, a draft which did not satisfy Cuza at that time and which was abandoned. The project submitted to the Constituent Assembly and voted with modifications on June 29, 1866 had been worked out by the Council of State whose members were not the same ones as the members of the Central Commission which had written the project of 1859, inspired admittedly by the Belgian Constitution¹. The influence of the latter on other European Constitutions was between the years 1837 and 1866. It was the time during which the Constitutions of Spain (1837), of Greece (1844 and 1864), of the Netherlands (1848), of Luxemburg (1848), Piedmont and Sardinia (1848), of Prussia (1850), of Romania (1866) borrowed more of the Belgian model. It is in this context that it was said that the Romanian Constitution of 1866 was "the most faithful of the imitations of the Belgian Constitution of 1831"².

Opposition and Consensus

The challenges the new Prince faces in May 1866 come from two directions: external opposition from the Ottoman Porte and the great powers, and internal contestation from the supporters of the autochthonous princes.

On May 1st, the Constituent Assembly must urgently give its vote for Charles as hereditary Prince of Romania, as a rapid response to the declarations of the Paris Conference of April 1866 convened by Turkey and Russia in order to express their opposition to the Romanian constitutional developments and to its option for Charles. Already in March the provisional government challenged Turkey and Russia by dissolving the former legislative bodies (elected under the reign of Cuza) and by organizing elections explicitly for a Constituent Assembly. The latter starts its proceedings already on April 28th, 1866, while the provisional government proposes Charles as Prince and calls for a plebiscite for his candidacy. The plebiscite takes place on April 2-8 and is favorable to the new Prince. The great powers do not recognize the result and object by the declaration of the Paris Conference on April 20th³, by stating that the procedure violates the Convention of 1858 (which was the Constitution of the two Principalities). According to the Convention of

précédé d'un aperçu historique, *Archives Générales du Royaume et Archives de l'État dans les Provinces, Miscellanea Archivistica I*, 1973, p. 5.

¹ See also Anastasie IORDACHE, *Instituirea monarhiei constituționale și a regimului parlamentar în România. 1866-1871*, Ed. Majadahonda, București, 1997, pp. 56-57.

² See John GILISSEN, "La Constitution belge de 1831: ses sources, son influence", *Res Publica*, vol. X, no. 1, 1968 (numéro spécial), pp. 107-141, especially pp. 135, 138; Matei DOGAN, *Analiza statistică...cit.*, p. 7. For the first Western comparative analysis of the two texts, see F.R. DARESTE, *Les constitutions modernes. Recueil des constitutions actuellement en vigueur dans les divers États d'Europe, d'Amérique et du monde civilisé*, vol. I-II, Challamel Aîné, Paris, 1883, pp. 57-61 and vol. II, pp. 266-286. For a surface glance on the historical and institutional resemblances between Belgium and Romania, see Count Gaston of LOOZ-CORSWAREM, *Belgique et Roumanie*, Société Belge de Librairie, Bruxelles, 1911, notably p. 103 ("It is an honor for Belgium that the Romanian Constitution reproduces so to speak word for word the Belgian Constitution. It is to say that it is with ours the most liberal of Europe").

³ Eleodor FOCSENEANU, *Istoria constituțională a României (1859-1991)*, 2nd ed., Humanitas, București, 1998, p. 27; *Memoriile regelui Carol I al României de un martor ocular*, vol. I, 1866-1869, ed. and preface by Stelian NEAGOE, Ed. Scripta, București, 1992, pp. 40-41.

1858, the Prince had to be elected by an elective assembly, he had to be autochthonous, and his election should separate the two Principalities, their union having been accepted only for the duration of Cuza's reign. The Conference opposes the election of Charles by three votes in favor (France, Italy, and Prussia) and four against (Russia, Turkey, Austria, and England).

Despite the great powers' opposition, on May 1st the Constituent Assembly declares Charles as hereditary Prince of Romania and votes for the preservation of the union of the two Principalities, under this foreign Prince and the hereditary monarchy¹. Out of the 115 parliamentarians present, six Moldavians (Nicolae Ionescu, Teodor Lates, Ioan Lecca, Ioan Negură, Nicolae Iamandi, Dimitrie Tacu²) refuse to vote. The main argument of Charles' opponents is that voting for the foreign Prince would endanger the union of the Principalities (given the great powers' Declaration), and that an autochthonous Prince is more appropriate given the Romanian constitutional tradition. For Nicolae Ionescu, the survival of the union ("the secular wish of our nation") is the priority, not the foreign Prince, the protection of the great powers being more important to him than the foreign Prince; moreover, the legacy of "our parents" is at stakes, namely maintaining the independence of the fatherland and the autochthonous princes³.

Opposition to the new Prince is expressed outside the Parliament as well, in the press⁴ and in the streets. A separatist movement is organized in the former capital of Moldova (until 1859), Iași, on April 3rd⁵, as a reaction to the plebiscite for Charles. The event is organized by local notables, who set up a separatist committee. It is repressed by the army during the same day. There is some historical proof that the tsarist diplomacy encouraged the separatist movement. Among the inhabitants of Iași there was a genuine feeling of discontent due to excessive centralization, due to the insufficient administrative measures taken by the government in Bucharest leaving the city in a precarious situation after the union, and due to the transfer of state authorities to Bucharest. The anti-union tendencies were fuelled by the Moldavian boyar families as well, in their wish to get the throne after Cuza's forced abdication. Besides, according to N. Iorga, Charles' local support is weak when he arrives in the country, despite the few spontaneous popular manifestations in some cities of Wallachia⁶.

The legitimacy of the new regime is contested by the Moldavians on two grounds. First, there are those who fight for the union's consolidation at all costs,

¹ Adunarea Electivă a României, session of May 1st, 1866, in *Monitorul. Jurnal Oficial al Principatelor Unite Române*, no. 99, 7/19 May, 1866, p. 483 (thereafter MO).

² MO, no. 99, 7/19 May 1866, p. 438. For the voting figures and abstentions, and for the voting figures according to the origin of the MPs, see as well Gh. CRISTEA, "Manifestări antidinastice în perioada venirii lui Carol I în România (aprilie-mai 1866)", *Studii. Revistă de istorie*, vol. 20, no. 6, 1967, p. 1089, especially footnote 118.

³ Nicolae Ionescu, MO, no. 99, 7/19 May 1866, pp. 433-434.

⁴ Namely *Trompeta Carpaților* and *Legalitatea* during April-June 1866.

⁵ *Trompeta Carpaților*, no. 418, 6 May 1866, p. 1669; Sorin Liviu DAMEAN, *Carol I...cit.*, pp. 51-53. For the details of the events, see also Gh. CRISTEA, "Manifestări antidinastice...cit.", pp. 1079-1086; Paul E. MICHELSON, *Romanian Politics, 1859-1871...cit.*, pp. 169-171. See as well the comments of N. IORGA, *Istoria românilor*, vol. X, Tipografia "Datina Românească", Vălenii de Munte, 1939, pp. 22-24; George PANU, *Amintiri de la "Junimea" din Iași*, vol. I, ed. by Z. ORNEA, Minerva, București, 1971, p. 16.

⁶ Nicolae IORGA, *Istoria românilor*, cit., p. 29.

but under an autochthonous prince (such as Nicolae Ionescu, T. Lateş, D. Tacu, members of the Constituent Assembly, who profess a confusing amalgamation of liberalism, nationalism, republicanism, and anti-Semitism¹). Second, there are those (mainly the leaders and actors of the separatist movement in Iaşi) who reject the union altogether and fight for the independence of Moldavia. The attitude towards the former regime, adds to this cleavage: there seems to have been a failed attempt to replace Cuza on the throne by some military, still partisans of the former colonel-prince, in February-March². Not all Moldavian elites are against Charles: the representatives of the "Junimea" influential literary circle (the young conservatives) support the government in Bucharest and the consolidation of the union under the new Prince³.

The government and the majority of the members of the Constituent Assembly defend radically different ideas than the Moldavian parliamentarians. Without any doubt, Charles is for them the guarantor of the union and fraternity among the Romanians, and an element of stability and security for the young state, as it is clearly stated in the government's message to the Constituent Assembly during its first session on April 28⁴. The references to the princes of the past and to the national heroes are meant to give legitimacy to the institutional and political founding moment in the present.

The government and the members of the Constituent Assembly deploy two main arguments during the very first sessions of the new assembly. First of all, they express a strong sensitivity towards the geostrategic conditions (they call it "Europe's protection") when they see the consolidation of the union and the adoption of the monarchical hereditary principle as conditions for the Romanian nation's belonging to the "civilization" (or "concert of nations"). In 1866, the Romanian parliamentarians are highly preoccupied by the acknowledgment of Romania's sovereignty, as an independent political body. The alternatives they consider are two, the foreign Prince or the autochthonous Prince. All the members of the Constituent Assembly are highly keen in reaching the civility standards⁵ capable to attach Romania to the "concert of nations": the young state must prove to be capable to keep internal order and cohesion, and to have the legal basis and stable institutions that would allow it to have political and economic interactions with the West – these aims being reachable either by the consolidation of the union and the foreign Prince (it is the wish of the majority of the parliamentarians), or by the consolidation of the union by maintaining the collective guarantee of the great powers and the century-long policy of friendship with Turkey (these ideas are defended notably by Nicolae Ionescu).

All the members of the Constituent Assembly and the government participate to the liberal ideology of the mid-19th century, according to which there was a hierarchy of nations that could legitimately pretend to get the international public opinion's attention. The small nations under the jurisdiction of the two big empires,

¹ Paul E. MICHELSON, *Romanian Politics, 1859-1871...cit.*, p. 170.

² For details, see Vasile V. RUSSU, *Viaţa politică în România (1866-1871)*, vol. I, *De la domnia pământeană la prinţul străin*, Ed. Universităţii "A.I. Cuza", Iaşi, 2001, pp. 70-71 and footnotes.

³ George PANU, *Amintiri de la "Junimea" ...cit.*, p. 16.

⁴ MO, no. 93, 29 April/11 May 1866, p. 405.

⁵ Andrew C. JANOS, *East Central Europe in the Modern World. The Politics of the Borderlands from Pre- to Postcommunism*, Stanford University Press, Stanford, 2000, pp. 64-65.

Ottoman and Habsbourg, discovered with great distress, after 1848, the difficulties they encountered in order to affirm their existence, given that they were considered "nations without a history", and given that nations' dimension was considered to be an indicator of the progress of civilization and a precondition for the nation-state. Consequently, during the years 1830-1880, the liberal ideology considers that "the principle of nationalities" applies only to nationalities of a certain dimension on the basis of principle "of the limit": self-determination is regarded as a right of the viable nations from the cultural, economic or political point of view¹. This principle is clarified by three criteria which make it possible for a people to be regarded as a nation: its historical association to a current state or to a tradition and a historical memory; the existence of century-old cultural elites and equipped with a written popular language; the capacity to engage in conquest². It is one way of understanding the incentive addressed by Nicolae Ionescu, shared by all his colleagues whatever their political orientation, to integrate "the concert of the nations" by the institutional and legal consolidation of the union. The division appears when it comes to the invitation of a foreign Prince on the Romanian throne. If we accept the relevance of the three criteria of definition of the nation identified by Hobsbawm for the mid-19th century, the Romanian members of Parliament are obviously worried by the two first ("we are a people who is aware of its existence", "we can quickly become a civilized nation", said Ionescu³; the message of the government requires the study of the past "to learn from this past the national future"⁴), given that there were no resources for expansion.

Secondly, Nicolae Ionescu and the message of the government say without any ambiguity that "the wish since centuries" of the Romanian nation is the union. The historical reference is evoked to justify the ideal of the present, "of the century of development of nationalities" ("nation" and "nationality" are expressions which they use as synonyms), but also to predict the future. One can identify here two elements of description of the nation: a human group constitutes itself in a nation if it has a common past and a common historical memory ("the inheritance of our ancestors", said Ionescu⁵), and a political, legal and institutional framework for its existence. This distinction is less clear in Ionescu's intervention; it plays on the two elements when he gives the priority to the consolidation of the union ("secular") and when he evokes the requirement of the moment, namely "the idea of the union of nationalities".

Ion Heliade-Rădulescu's intervention on May 13th, 1866, highlights one of the main controversies about the legitimacy of the new regime. He confesses that his political credo remain the ideals of 1848, notably the autochthonous Prince⁶. And he is not the only one among the former revolutionaries of 1848, radically democratic and enemies of the foreign Prince, to underline the contradiction in the Constituent Assembly's vote for Charles in its session on May 1st, whereas the plebiscite favorable for the new Prince had taken place on April 2-8, 1866. In other words, by

¹ E.J. HOBSBAWM, *Națiuni și naționalism de la 1780 până în prezent. Program, mit, realitate*, Roum. transl. by Diana Stanciu, ARC, Chișinău, 1997, pp. 34-35.

² *Ibidem*, pp. 40-41.

³ MO, no. 99, 7/19 May 1866, p. 433.

⁴ MO, no. 93, 29 April/11 May 1866, pp. 404-408.

⁵ MO, no. 99, 7/19 May 1866, p. 433.

⁶ His intervention in the Constituent Assembly's session of May 16, 1866 is reproduced in *Trompeta Carpaților*, no. 421, May 20, 1866, p. 1684.

its vote of May 1st, at the age of national sovereignty the Assembly is in the contradictory situation from the point of view of the democratic logic to confirm (or to cancel, which was not the case) the popular vote, even if limited to a census-based body. One can rightly inquire the reasons for the parliamentary vote to the people's previous approval vote.

The majority of the Romanian members of the Constituent Assembly seem to want to put forward a double legitimacy, popular and parliamentary, in order to present itself in front of the great powers armed with two very formal procedures. To their mind, the popular approval of Charles is constraining, as Heliade-Rădulescu said it, for their confirmation vote for Charles. The final text of the Constituent Assembly's proclamation of the Prince stresses that the will of the Parliament is "the faithful interpreter of the national will"¹. Given the suspicion and the hesitations of the great powers about Romania's political situation, the representatives of the nation wrap their double gesture of confirmation of Charles and of the popular vote in passionate patriotic speeches to show their goodwill, the autonomy of their country, and their capacity to create internal political stability. They even suggest that in fact it is the great powers that required the plebiscite.

In addition to this, the members of the Constituent Assembly wanted to express their vote even if the people had expressed themselves within a formal procedure, because the voices (like those of Heliade-Rădulescu and Nicolae Ionescu, defenders of the autochthonous princes) who criticized the plebiscite, the quasi-unanimity of the favorable votes (685 969 votes in favor, 224 against), and the pressures of the government officials on the voters were strong, without being too numerous. This result with extremely strong majority was obtained through the pressures of the administrative authorities, sometimes sowing confusion within the ignorant population (in certain cases the villagers voted for Charles for fear the agrarian law adopted in 1864 is not revoked), while the atmosphere of spontaneous enthusiasm was often staged and the opposition with regard to the plebiscite was real². A minority of parliamentarians, like the Moldavian Nicolae Ionescu and others, criticize the very need for a plebiscite, since they are opposed to the foreign Prince.

And finally, it is plausible to understand the vote (redundant according to Heliade-Rădulescu) of the majority of the members of Constituent Assembly of confirmation of Charles as a gesture of compensation and reinforcement of the plebiscite – understood in fact like an attempt to give a pretence of popular legitimacy to a foreigner. The majority of the parliamentarians were certainly aware of the high degree of popular ignorance about Charles, due to the rapid development of the events and the rapid choice made by the provisional government for his person. One can also suppose that they were aware of the pressures exerted on the voters by the government and of the limits of a vote given according to the census-based logic, and that they thus assumed the ambiguity they manifested – by their vote of confirmation of the popular approval – on the meanings of representation and their role as elected officials.

¹ MO, no. 99, 7/19 May 1866, p. 483.

² Gh. CRISTEA, "Manifestări antidinastice...cit.", pp. 1073-1079. The chronicler of Charles, Paul Lindenberg, considers that the option for the foreign Prince is unanimous in the Romanian space, enthusiastic even. Consequently, it is not astonishing that Lindenberg mentions "the imposing dimension" of the result of the plebiscite and the atmosphere of "great joy" which dominates in the public opinion (*Regele Carol I al României*, Roum. transl. by Ion Nastasia, Humanitas, București, 2003, pp. 38-40).

The Constitution and its Importance

The constitutional draft, proposed by the Council of State and accepted by the Council of ministers, is presented to the deliberations of the Constituent Assembly in its session of May 1st, 1866¹. It is then discussed in the sections of the Assembly. The general discussion is open in the meeting of June 16, 1866², being delayed by procedural questions. Nicolae Ionescu underlines, before the beginning of the general discussion, "the gravity of the discussion about this important work", the Constitution, "the fundamental pact of our society"³. The minister of Religion, Constantin A. Rosetti, 1848er and leading liberal politician, also intervenes to hasten the opening of the general debate on the draft. He justifies his request by the fact that "a country, when it remains a long time without a Constitution", is confronted with "multiple conflicts":

"Sirs, in my opinion, we are in greater danger than the other countries. For a nation like ours which for two years has been confronted with the greatest disorders, for a nation in our position, surrounded by a European conflict, with the difficulties which you saw emerging because of our precarious position, for a nation like ours, I say, each hour that goes by is dangerous. But a nation is strong when it gave itself a Constitution"⁴.

A few days later, at the time of the debate by articles of the constitutional draft, more precisely during the discussion on the granting of political rights to the Jews, a member of the Constituent Assembly underlines the role of a Constitution:

"A Constitution is in the life of a people what the character is for a man. Since we must vote a Constitution, it is necessary for us to be very attentive with all the feelings and all the thoughts of the people and to work in such manner so that we answer all its expectations, all its great needs; the law must prescribe a progress, it must tend towards the future, but it should never run up against the principle on which the existence of a people depends"⁵.

During the first meeting (on June 16, 1866) of the general discussion, the parliamentarians listen to the committee of delegates' report on the proceedings of the Assembly, in charge of the examination of the draft. The *rapporteur* of the committee, Aristide Pascal, defines the Constitution, before detailing the modifications made by the committee:

"The Constitution of a nation is the form which it adopts for the exercise of its authority. No one can better know the most suitable form of the Constitution of a nation than the nation itself"⁶.

Aristide Pascal expresses his regret that the Romanians did not have to this date a Constitution which "is their own work"; it is what explains, in his opinion,

¹ See Paul E. MICHELSON, *Conflict and Crisis...cit.*, pp. 136-141 for the summary of the main issues discussed in the Constituent Assembly.

² DAC, p. 22.

³ *Ibidem*.

⁴ *Ibidem*.

⁵ D. Tacu, DAC, p. 115.

⁶ Arh. Naț., dosar 354/1865-66, F. 25; DAC, p. 23.

the fact "that none the Constitutions which the Romanians until now had could take roots in Romania, could not satisfy the wishes and the needs of this nation", the frequent change of the Constitutions being the cause of the disorder and the instability "which stop a nation in its walk towards its material and cultural progress"¹. It is why the task of the members of the Constituent Assembly was to make a Constitution "which can correspond to all the national needs present and future, a Constitution which can be durable", which can examine "the direction of the tendencies and wills of the nation"². A. Pascal is aware of the innovative task that him and his colleagues have. The absolute innovation in the indigenous constitutional history when the nation gives itself a Constitution (according to their own expression), when the representatives of the nation have the prerogative to decide without foreign interferences on a text worked out locally (and which should not be ratified by a foreign power) was already underlined³.

While insisting on the role that "the elected officials of the nation have" by working out the supreme law for the first time "from the only initiative" of the Romanians, the *rapporteur* develops the significance of the Constitution: it must be "the expression of the national will and of the public need", it must give "a good direction to the tendencies and the wishes of the nation" and thus prevent their possible drifts "in an erroneous direction"⁴. He also says that the committee, the Assembly and the government were impregnated by "the Romanian national spirit which is completely liberal and egalitarian", and – as the history of the Romanian people "victim of so many hardships" shows it – refractory with any despotism; because "the causes of its [of the people] misfortunes were [...] the perpetual fights which it always had to carry out to reverse the obstacles before acquiring its public freedoms"⁵. It is why the Constitution that the members of the Assembly discussed is

"liberal and egalitarian, like it is fit for a free people and jealous to the highest degree of its public freedoms. You will see thus that this draft guarantees to the Romanian people all public freedoms which enjoy the most liberal people of civilized Europe"⁶.

We can see that according to the Romanian parliamentarians, the act of making a Constitution cannot be separated from the act of proclaiming the autonomy of the state; the transition from the charters imposed by the great powers (such as the Convention of Paris of 1858) to the free constitutional debate, by elected representatives of the nation, is central in the political imaginary of the time⁷.

During the session of June 18, 1866, during the general discussion, Grigore Lahovari insists on the major role the Constitution has for the Romanian nation. He also underlines the most important quality that it must have, namely equality; it is not only the classes that must have equal rights, but also each individual, and this is the only way a nation can develop, he says⁸. Moreover, he continues, it is the

¹ DAC, pp. 23-24.

² Arh. Naț., dosar 354/1865-66, F. 25; DAC, p. 24.

³ Ioan STANOMIR, *Nașterea Constituției...cit.*, p. 402.

⁴ DAC, p. 24.

⁵ *Ibidem*.

⁶ *Ibidem*.

⁷ Ioan STANOMIR, *Nașterea Constituției...cit.*, p. 320.

⁸ DAC, p. 51.

freedom which must be the base of the Constitution, because its goal is to replace "an obsolete and vicious system". And finally, he says, the Constitution must be comprehensible for all the social categories¹.

Grigore Lahovari understands equality as equal rights, a necessary condition for the development of a nation and for progress, but he does not give any example. Aristide Pascal, speaking in the name of the committee, appears to be very concerned with the public freedoms that the Constitution must guarantee and protect. The Romanian parliamentarians are aware of the significances of a constitutional regime based on the rights and freedoms, in agreement with great expectations of the public opinion or at least of part of the public opinion. Since March 1866, the newspaper *Românul* (defender of the liberals of Wallachia) carries out an awareness campaign of the public (but also of the future members of Constituent Assembly) about the representative and constitutional regime. A whole series of articles show its virtues². *Românul* gives a citizen-centered perspective, i.e. participative, in our contemporary language, which is absent in the argumentation of the members of the Constituent Assembly. In the argumentation of *Românul* during this period, the plea for constitutionalism is closely related to the need for preserving "nationality", freedom and "Roumanianness" (*românism*).

In the session of June 18, 1866, the Assembly begins the debate on the articles of the Project of Constitution. After the reading of the 1st Title of the project, "On the territory of the United Romanian Principalities", the parliamentarians examine an amendment which proposes the introduction, at the very beginning of the Constitution, of the expression "In the name of the Romanian people, the National Assembly decrees (*decretă*)". The amendment is signed by Racoviță, D. Balș, I. Plesniță, A. Lupașcu, Teodor Lateș, Iosefescu, and P. Buescu³. Teodor Lateș defends the amendment by stressing that "the Constitution can proceed only of the initiative of the sovereignty of the nation"⁴. The general discussion on this topic continues on June 20, when a member of the Constituent Assembly, Radu Ionescu, rejects this amendment since "the sovereignty of the people is already marked in the Constitution", he says, since the Constitution is discussed and voted by the Assembly "which is the expression of the country (*țara*), which is the expression of the sovereignty of the people", and since neither the executive, nor the legislature can decree in a constitutional regime⁵. Radu Ionescu rejects the *régime d'assemblée* here which would correspond to a flawed parliamentary system in which the executive is completely subordinated to the legislature ("When the ministers are only [...] the instruments of the assembly", he says)⁶. One can find this type of regime in France during the Revolution at the time of Convention.

The Radu Ionescu's intervention raises a question even more important. Which type of sovereignty directs the constitutional reasoning of the parliamentarians? They refer to the two types of sovereignty, popular sovereignty and national sovereignty. Is it about an inaccuracy of the language or, on the contrary,

¹ DAC, pp. 51-52.

² *Românul* of March 31, 1866, pp. 138-139; *Românul* of April 12, 1866, p. 179 ; *Românul* of April 17, 1866, p. 198.

³ DAC, p. 65.

⁴ DAC, pp. 56-57.

⁵ DAC, p. 66.

⁶ *Ibidem*.

two different constitutional options which are confronted? Do the members of Constituent Assembly make confusion between the two words, people and nation? It is what does Teodor Lăteş in its incentive addressed to his colleagues during the session of June 18 when he regards the two words as synonyms. In spite of the inaccuracy of the terms used, Radu Ionescu, while insisting on the definition of the Parliament as expression of the sovereignty of the people, seems to forward the national sovereignty which, as from the 18th century, limits the absolute sovereignty of the monarch and who was systematized by Sieyès: the people *qua* nation is the holder of sovereignty, each individual being, in an equal way, its joint-holder. Other speakers choose popular sovereignty in their justifications of the sources of the Constitution and its importance (Teodor Lăteş, the minister for Finance, Ion C. Brătianu, D. Tacu). P. Buescu, one of the authors of the amendment, asks from his colleagues "to decree the Constitution" in the name of the Romanian people, an idea that existed, according to him, in Belgium, in Poland, and in Spain, the respective kings being on their thrones when the fundamental law was adopted¹.

As it is the Council of State which wrote the constitutional draft (adopted by the government thereafter), one can question the reasons of this choice to the detriment of the *pouvoir constituant* of the Constituent Assembly which sees itself reduced to the role of debate and amendment. In other words, beyond the government's preoccupation with legality by keeping the Council of State appointed during Cuza's regime, the survival of the Council and its role in the drafting of the Constitution raise the question of the *pouvoir constituant*. Who is its holder in May 1866? The significances the parliamentarians give to the verb "to decree" (*decreta*) return to the same question. Radu Ionescu identifies "to decree" with the activity and the prerogative of the executive (king or ministers), exempted from deliberation which implies a representative legislative assembly (to decree *vs.* to deliberate in the name of the people or the nation). The latter can issue only when the separation of powers is destroyed, says R. Ionescu. P. Buescu seems to understand by the verb "to decree" the action by which the *pouvoir constituant* emanates from the people, the Constitution being imposed to the monarch by the people.

Beyond the inaccuracy of the terms, the adversaries of the amendment and its defenders express two different constitutional visions. On one side, the adversaries of the amendment (as Radu Ionescu) see behind the term Constitution the *pouvoir constituant* of the nation expressed by its representatives and by the procedures specific to the legislative representation; on the other side, its authors (like P. Buescu) defend the manifestation of the people's *pouvoir constituant*. The latter implicitly lean towards a revolutionary vision of the constitutional change by defending the *pouvoir constituant* founded on the sovereignty of the people which manifests itself in exceptional circumstances – that of which Guizot, Thiers and the French lawyers of the Monarchy of July were afraid of, since they assimilated the *pouvoir constituant* of the people to images of crisis and insurrection². If the opinions which reject the amendment group around the idea that "the national assembly does not decree; it is only the prince who decrees [...]" The prince proposes bills and the assembly discusses them and votes them"³, those who agree with the amendment

¹ DAC, p. 67.

² Pierre ROSANVALLON, *La monarchie impossible. Les Chartes de 1814 et de 1830*, Fayard, Paris, 1994, pp. 131-135.

³ Aristide Pascal, DAC, p. 62.

support the idea that "no executive power has the right to decree, in fact only nations decree when it is about a Constitution"¹.

In the two visions, there is an implicit protest against the restrictive doctrines of the concession or the granting of the Constitution (drifting of a fully unilateral act of the sovereign) and the explicit acknowledgment of the contractual dimension of the Constitution (as a pact between the people and its sovereign).

Nicolae Blaremburg is the only one to explain clearly the three theories of constitutional change existing at that time. He decides against the amendment and he solves the question – in May 1866 the *pouvoir constituant* belongs to the nation:

"In Poland there is *pacta conventa*, i.e. a contract between the king and the nation. Any Constitution is a contract between the nation and its prince. There is also the other legal theory, that of the granted charters, and the revolutionary theory of the decreed Constitutions. But we want a Constitution imposed neither by the nation, nor by the king"².

By that, Blaremburg defends Guizot's opinion: he had explained in the French lower Chamber in 1842 why there was not extraordinary *pouvoir constituant* and that the constitutional powers are the only legitimate bodies of national sovereignty³.

In the final text of the Constitution (art. 31 and 38), the option of the members of the Constituent Assembly is without ambiguity: the *pouvoir constituant* founded on national sovereignty is at the base of the new institutional architecture. The amendment is rejected⁴. In their interventions, the minister C.A. Rosetti and Aristide Pascal say that the nation is a legal entity distinct from the individuals who make it up (the sum of the citizens). They assume the line of Rousseau-Sieyès thought, which says that sovereignty lies in this nation-person, certainly not in the person of the monarch, and which can express itself only through its representatives. The theory of national sovereignty is indissolubly related to the principle of representation, which eliminates the people of the political debate and the direct political decision. In other words, popular sovereignty is more democratic in the sense that it can be conceived and it can function *without* representation. The defenders of popular sovereignty repudiate the theoretical and philosophical bases of representative government.

The clearest proof that national sovereignty is present in the legal bases of the Constitution is offered by the revision procedure of the Constitution. According to article 128, only the two assemblies may have the initiative of the revision, the elements subject to revision being discussed, by mutual agreement with the Prince, after their dissolution in a Constituent Assembly freshly elected for this purpose. It is a fundamental aspect about the meaning of the Constitution: the legislature remains the holder of the *pouvoir constituant* after having exercised it.

Another proof on national sovereignty is due to the fact that no member of the Constituent Assembly raises the question of the popular ratification of the Constitution, even limited to the census-based body (for the revision either ratification is not necessary). Being encouraged by the popular vote favorable to Charles, the members of Constituent Assembly consider themselves the legitimate agents of the

¹ Pană Buescu, *DAC*, p. 67.

² *DAC*, p. 68.

³ *Apud* Pierre ROSANVALLON, *La monarchie impossible...*cit., p. 135.

⁴ *DAC*, p. 68.

nation and they work on its behalf. Moreover, they estimate that the address, by which the Constituent Assembly presents to Charles the Constitution discussed by it, replaces the acceptance of the people¹. In the address of thanks to the message of the Throne at the time of the opening of the first parliamentary session (in November 1866), the parliamentarians repeat their vision on the Constitution seen as "the true work of the nation itself" and they are committed to maintain it "sacred and inviolable" and to adopt all the laws in harmony with it². By these expressions, they do nothing but repeat the words of the discourse of the Throne³.

Since Charles takes an oath in front of the Constituent Assembly and he accepts afterwards the Constitution discussed by it, the parliamentarians legitimately consider themselves as the constituting power in the name of the Romanian nation. The contractual dimension of the Constitution is clear, since the method of its promulgation did not pose any problem. By promulgating it on June 30, the prince defines it as the pact which binds him forever to his new fatherland and which carries out the legitimate aspirations of the nation; he accepts the constitutional monarchical government and he commits himself to apply the principles of the Constitution⁴. It is neither about a granted charter, or negotiated charter, or even an accepted charter, but about a Constitution strictly speaking, since behind it the *pouvoir constituant* of the nation is visible⁵. Moreover, in his oath in front of the Constituent Assembly, Charles agrees to reign like a "constitutional prince" since he was elected by the nation and the people⁶.

In Belgium, the national Congress had written and discussed the Constitution, and it is the Congress that had chosen the person to whom to offer the crown⁷.

¹ The address is signed by the moderate conservative Manolache Costache Epureanu, the president of the Constituent Assembly: "The Constitution that I have the honor to present to His Highness, in the name of the Assembly, gives a legitimate satisfaction to the aspirations of the country, consecrating in Romania the principles admitted in the modern states the most advanced on the path of civilization". The address expresses the will of the Parliament to consolidate the monarchy and the constitutional regime, the only possible formulas to maintain the existence of Romania and to consolidate the Throne, and it specifies that the Constitution is the only means of achieving these goals (Arh. Naț., Fond Parlament (Adunarea Deputaților) 779 vol. I-1, dosar 354/1865, f. 216).

² Arh. Naț., Fond Parlament (Adunarea Deputaților) 779 vol. I-1, dosar 361/1866, f. 21.

³ Arh. Naț., Fond Parlament (Adunarea Deputaților) 779 vol. I-1, dosar 361/1866, f. 7.

⁴ The very first paragraph of the text says: "The act which was achieved is the most important in the life of a people. By the Constitution that we give today to the Romanian state, we achieve the legitimate aspirations of the nation, we guarantee the interests of all the estates and the rights which the citizen must have in a civilized society". The plural used, "us", is not the royal plural, therefore the prince does not speak on his behalf, but in the name of a collective subject, the constitutional powers. The proof is in the following paragraph in which he explicitly uses the singular "me" to speak about his person: "This act is for me the most solemn of my life, because it is the final pact which binds me forever to the destinies of my new fatherland, to Romania" (Arh. Naț., Fond Parlament (Adunarea Deputaților) 779 vol. I-1, dosar 354/1865, f. 217).

⁵ For the various significances of the term "charter", as seen in the debates of 1814 about Louis XVIII, see Pierre ROSANVALLON, *La monarchie impossible...cit.*, pp. 48-55.

⁶ The oath of Charles in Ion MAMINA, *Monarhia constituțională în România. Enciclopedie politică. 1866-1938*, Ed. Enciclopedică, București, 2000, p. 10.

⁷ For the drafting of the Belgian Constitution and the choice of Leopold I as a monarch, see John GILISSEN, "La Constitution belge de 1831...cit."; Barbara EMERSON, *Léopold II. Le royaume et l'empire*, transl. of English by Herve Douchamps and Gerard Colson, Duculot, Paris-Gembloux, 1980, pp. 10-13.

In Romania, quite to the contrary, the drafting of the Constitution and the choice for the person of the new monarch belong to the executive. No member of Constituent Assembly questions the role and the legitimacy of the Council of State in the drafting of the constitutional project. Moreover, when Leopold made his entry in Brussels in July 1831, he took an oath of fidelity to a Constitution which existed already, not to the constituent assembly, whereas, when Charles arrived in Bucharest on May 8, 1866, there was no Constitution whatsoever. The Romanian Constituent Assembly had hardly begun its debates by that time, and it had to come to a conclusion about the choice made by the provisional government. It approves this choice (in spite of the opposition of Nicolae Ionescu and others) and it votes at the same time in favor of the maintenance of the political union in the session of May 1st – in fact, the Assembly understands this vote like a gesture of compensation and reinforcement of the plebiscite which had taken place before. If Romania does not follow the same constitutional procedure for the introduction of the new regime, it excludes from the start, like Belgium, the republic (which is not even mentioned as an alternative), because it frightens the great powers whose support remains necessary for the consolidation of the young state.

One can say that the political and constitutional reasoning of the members of Constituent Assembly is intellectually hesitant. The most obvious proof is of a semantic nature: to qualify the new regime, in their speeches the members of Parliament employ indifferently the expressions like "hereditary constitutional monarchy", "representative government", "constitutional regime", "constitutional system" or even "civilized nation", as if the various terms were equivalent. The Romanian constitutional thought hesitates in 1866 between the Western imitation and the definition of its own identity¹. The Romanian parliamentarians are fully conscious of the importance of their action and of the text which they discuss. But they are more worried by the source of the "fundamental pact" (the national will or the people), by the goal and the role of the Constitution, and less by the will to express a rigorous reasoning about a political project appropriate to the act of creating a new constitutional order. Since political modernity is before anything else a project and a philosophy², the arguments of the Romanian parliamentarians are rather reduced. The Constitution is for them, in an unspecified way, either the expression of the sovereignty of the people, or the expression of the nation, it expresses the will of the nation, the element of mediation being the Constituent Assembly, i.e. the elected officials. The two words, people and nation, are used, it seems to me, as synonyms. At the time it is undoubtedly not only a Romanian confusion. The members of the Constituent Assembly thus affirm the guiding principle of political modernity – namely, the sovereignty of the people, by which the "people" becomes the subject of politics, sovereignty being "the modern definition of the 'people'"³, just as its ambiguity – the people is the political subject, but it can act only by intermediaries (hence the hesitations or inaccuracies about the option for popular sovereignty and national sovereignty). But often terminological ambiguity

¹ Cristian PREDA, *Modernitatea politică și românismul*, Nemira, București, 1998, p. 172.

² *Ibidem*, p. 157.

³ Gerard MAIRET, *Le principe de souveraineté. Histoires et fondements du pouvoir moderne*, Gallimard, Paris, 1997, pp. 163-164.

means an uncertainty in practice¹. The rejection of the amendment which proposes that the Assembly decrees the Constitution "in the name of the Romanian people" is significant in this respect. The representatives set up from the constitutional point of view the new political order, they are the nation, but at the same time the body of the nation is absent from the constitutional process: the Constitution "is decreed" by the political elite, it is imposed on the nation – passive element. In the new political order, the collective entity makes its appearance before the individual or the citizen. The Constitution becomes the legal form of the Romanian nation.

One can also wonder whether, implicitly, the parliamentarians confiscate sovereignty, and whether they affirm parliamentary sovereignty, wrapped in the language of national sovereignty. In any case, they seek representation of the nation as a means to oppose the Ottoman Empire (and to a certain degree the great powers) and to its traditional interference in domestic constitutional and political affairs. The assertion that the legislative was not conceived as a corporate representation of social estates, as under the *ancien régime*, but as representative of the Romanian nation² is confirmed by the analysis of the debates of the Constituent Assembly in the summer of 1866.

For the members of Constituent Assembly, the Constitution must express "the national spirit", the character of the Romanian people and its ways of being, conditions for the durability even of the Constitution. Although they affirm that the spirit or the character of the Romanians is liberal (and egalitarian), this liberal character of the Constitution is exhausted by the public freedoms (and, to a lesser extent, it is related to the orthodox faith and piety, expression of the ancient character, *străbun*, of the State³). The Constitution also has a teaching and educational role, of correction of the national will, in order to reconcile the requirement of progress and the adequacy with the "civilized people of Europe" to the respect of the indigenous tradition (but the contents of this tradition are not clarified) and to conformity with the "ancestors".

Besides this general reference, it is striking to note the absence of reference to the autochthonous constitutional past during the debates on the significance of the Constitution and the nature of the new regime. The situation is not without analogy with the French constitutional crisis of July 1830, when it is not towards constitutional theory, but towards history that the partisans of Louis-Philippe turned in order to try to understand and to think the regime which they set up⁴. In a similar way (in spite of the different nature of the constitutional issues), the Romanian members of the Constituent Assembly prefer to unceasingly refer to the medieval ancestors and to their alleged will of which they would be the agents – as if they wanted to draw aside in haste all that would force them too much to intellectually specify the present issues. Since for them the priority is to keep the unity of the state, the remainder being of the details of less importance. As if the

¹ This relevant remark belongs to James J. SHEEHAN, *German Liberalism in the 19th Century*, The University of Chicago Press, Chicago, 1978, p. 128 in his analysis on the hesitant behavior of the German liberals during the second half of the 19th century.

² Constantin IORDACHI, "The Ottoman Empire. Syncretic Nationalism and Citizenship in the Balkans", in Timothy BAYCROFT, Mark HEWITSON (eds.), *What is a Nation? Europe 1789-1914*, Oxford University Press, Oxford, 2006, p. 141.

³ DAC, meeting of June 20, 1866, p. 64.

⁴ Pierre ROSANVALLON, *La monarchie impossible...cit.*, pp. 150-155.

new regime, defined by so many hesitations and inaccuracies, and the foreign prince would be a satisfactory compromise (not only for Charles' adversaries) compared to the absolute priority: the union of the Romanians and state stability.

Moreover, precipitation in the change of the political régime, the introduction of the principle of the hereditary reign (which replaces the secular rule of the domestic election or the external imposition of a prince by the Ottoman Porte), and the absence of autochthonous experiment in the field of the constitutional monarchical regime are undoubtedly present in the spirit of the parliamentarians when they try to think about the new regime and to legitimate it. The complete innovation of the moment 1866 and the wish of the members of the Constituent Assembly to find a certain political and historical continuity removed any possibility for the constitutional monarchy to rest on anything else but the nationalist and historicist¹ reading of the indigenous medieval history, and not on a rigorous intellectual and legal reasoning. From where also its brittleness.

The absence of reference to the Romanian constitutional experience can also be explained by the fact that the former texts of a constitutional nature – the Organic Statutes (1831) and the Convention of Paris (1858) – were imposed by the foreigners and were not autochthonous productions, as many members of Parliament underline it, by highlighting their pride to work finally in May-June 1866 on a Romanian constitutional document. What is paradoxical, it is that it is especially the constitutional principles of the Organic Statutes and the Convention (which envisage indigenous princes for the two provinces) that the Moldavian parliamentarians, adversaries of the foreign Prince, evoke. Before this period of modernity (that Romanian historiography makes it start in 1822, year of the restoration of the indigenous princes), there was the long tradition of the treaties (or the capitulations) with the Ottoman Empire which gave the constitutional framework for two Principalities, that kept a relative autonomy. Since it is opposition to the neighboring empires (mainly to the Ottoman) that keeps together the Romanian political community (and a significant number of ethno-national political communities in Eastern Europe) in 1866, the rejection by all the Romanian politicians of the tradition of the treaties with the Ottomans does not come by a surprise.

It remains that, for all the members of the Constituent Assembly, the Constitution is the key for domestic and external stability², and its adoption is inextricably related to the proclamation of the autonomy of the state.

The incentives to more efficiency and speed in the discussion of the articles of the constitutional draft³ and the unanimous awareness of the importance of the task the members of Constituent Assembly had to assume are not sufficient to solve the tensions and to avoid the sometimes interminable discussions. The solution that they found in the meeting of June 25 is a compromise committee (*comitet compromisoriu*), balanced from the political point of view, made up of four liberal representatives and as many conservatives⁴. The government and the Parliament

¹ "Historicism" as defined by Peter F. SUGAR, Ivo J. LEDERER (eds.), *Nationalism...cit.*, pp. 35-44.

² The tensions with the Porte and the great powers during May-October 1866, which constitute the background of the debates of Constituent Assembly and which justify C.A. Rosetti's expression "the precarious position in which we are", were extensively studied. For example, Nicolae IORGA, *Istoria românilor*, cit., pp. 30-36.

³ For example, minister I.C. Brătianu, *DAC*, p. 73.

⁴ According to the *rapporteur* of the commission, Aristide Pascal, the commission must solve "the divergences" and "the questions which divide the Parliament into two camps", *DAC*, meet-

wish, as underlines it Ștefan Golescu, "to leave the abnormal state in which they are and to give a Constitution to the country"¹. The role of this committee was very important to solve blockings between the liberals and the conservatives and to facilitate the decision-making and the final vote on certain litigious articles.

We can see that Romanian state-nation, just like other states of this area of Europe, is the result of a "context" – the conflict between the empires or the great powers – which puts the political construction under the exclusive requirement of the state unity, and not of the will of the citizens to arrange their relationship with power on new intellectual and theoretical bases². The definition of the relationship between the citizens, represented by their elected officials, and the state and the political power is conditioned by the ideal of state unity, if not even subjugated by it. The Constitution even is regarded as a guarantor of the stability of the state, and it has the aim to consolidate it.

The Nature of Political Representation

The nature of political representation preoccupied the members of the Constituent Assembly. It is one of the key issues for the comprehension of the new political régime.

In his intervention during the debate on the response of the Constituent Assembly to the declaration of the Conference of Paris, Nicolae Ionescu expresses his opinion on the legitimacy of the plebiscite and the vote of the Parliament on this subject. The plebiscite is a decree of the people, he says, and thus it is above the Parliament; but its significance was limited because of the pressures of the administrative authorities, and the people did not receive sufficient evidence that its freedom and independence of judgment are guaranteed³. It is the reason why he considers that the plebiscite is not yet a procedure tailored for the Romanian people, because it does not have yet the exercise of the good political practices of freedom; under these conditions, it is the Constituent Assembly, as an expression of the will of the nation and as a result of free elections⁴, which has all legitimacy to decide⁵.

One can distinguish two major topics in N. Ionescu's intervention. He admits the virtues of the plebiscite as a direct expression of the will of the people, even if he does not use really these words. "A plebiscite is certainly much more than an election", he says. But at the same time he admits that the people are unable of the *discernement* required by such an institution, based on freedom, individual independence and advised deliberation; the novelty of this institution is equally an obstacle for its correct usage. Consequently, it is only the Assembly, product of free elections that can legitimately represent the will of the nation. The liberal member of Parliament is the carrier of a key idea of political modernity: the source of power

ing of June 28, p. 266.

¹ DAC, pp. 180-181.

² Alexandru DUȚU, *Ideea de Europa și evoluția conștiinței europene*, ALL, București, 1999, p. 185.

³ MO, no. 98, 5/17 May, 1866, p. 434.

⁴ Nicolae Ionescu refers to the elections for the Constituent Assembly of April 1866. The press records the dysfunctions during the elections and the pressures made on the voters (*Trompeta Carpaților* is particularly critical).

⁵ MO, no. 98, 5/17 May, 1866, p. 434.

and the base of political obligation are in the consent or the will of the governed, the representatives being the result of an electoral process¹. It is an idea expressed on several occasions in the debates of the Constituent Assembly: by its elected representatives, the nation exerts its sovereignty in the Constituent Assembly. Ionescu is a man of his time also by the fact that he is aware that "the spirit of freedom, this protection of the enlightened constitutionalism", must be the source of representation.

Indeed, during second half of the 19th century, the liberals are the most convinced promoters and defenders of representative government (or of constitutional monarchy, synonymous expressions at the time)²; the parliamentary system was the institutional form that many states of Eastern Europe adopted by considerations of statute and prestige, a proof of their degree of civilization and institutional solidity³. After 1860, the development of liberal constitutionalism and its democratization (at very different rhythms) are closely related to the misadventures of the national question, the liberals representing the compromise between the parliamentary system and the national idea⁴. But the Romanian liberals oppose democratization and the synthesis democratization-constitutionalism, while supporting until late in the century (and even at the beginning of the 20th century), just like the conservatives, the census-based system and the limited access to political life. They are very few voices among the former revolutionaries of 1848 who ask for more political democracy within the national framework.

One finds a paradox in the arguments of N. Ionescu and the Romanian members of Parliament. Since the new state is declared unitary and indivisible (art. 1 of the Constitution), since any trace of pluralism is eliminated from the body of the nation (the will of the nation is one and indivisible⁵), since the nation is understood as a homogeneous ethnic body⁶, how is representation still possible?

By explaining the importance of the adoption of the constitution, the members of the Constituent Assembly define a certain type of representation. Besides the vague use of the words "nation" and "people", the parliamentarians understand representation in the Rousseau-Sieyès line, by locating sovereignty within the nation. The elected officials have the role to represent the general will, one and indivisible, of the nation, they are authorized to represent it. In a constitutional representative regime, the citizens must be consulted – it is a principle with which N. Ionescu agrees completely. But they do not have competence and ability to decide on public issues. The elected officials are the "enlightened ones", as N. Ionescu puts it. In other words, the general will is not formed by the confrontation of opinions in society, but it is the Parliament which defines it. It is the doctrine of the parliamentary sovereignty which is being defended, as it was defined during the French Revolution, more

¹ Beranrd MANIN, *Le principe de souveraineté. Histoires et fondements du pouvoir moderne*, Gallimard, Paris, 1997, pp. 113-116.

² Klaus von BEYME, *Parliamentary Democracy. Democratization, Destabilization, Reconsolidation, 1789-1999*, Macmillan, Houdmills, 2000, p. 8.

³ Andrew C. JANOS, *East Central Europe in the Modern World...cit.*, p. 65.

⁴ Nicolas ROUSSELLIER, *Europa liberalilor*, Roum transl. by Daniela Irimia, Institutul European, Iași, 2001, pp. 71-72.

⁵ Cf. Pierre ROSANVALLON, *Le sacre du citoyen... cit.*, pp. 202-204.

⁶ See Silvia MARTON, "'Le sentiment national est une barrière plus forte que toutes les lois'. 'La question juive' dans les débats du Parlement roumain (1866-1871)", *Studia Politica. Romanian Political Science Review*, vol. VII, no. 4, 2007, pp. 827-865.

precisely during the years 1789-1791¹. Moreover, the remarks of Ionescu on the "enlightened ones" and the "enlightened constitutionalism" are about the very nature of representation, in the line of thought of the doctrine of the competence developed by the French liberals (especially by Benjamin Constant) and Doctrinaires (especially by Guizot and Victor de Broglie) during the Restoration and the Monarchy of July. In their attempt to regulate the relationship between liberalism and democracy, they hold that the nature of representative government is to allow the election of the best through direct census-based voting². N. Ionescu and the Romanian liberals are the defenders of this *capacitaire* elitism.

The Integration of the Dynasty in the National Imaginary

The element of innovation introduced in 1866 into the Romanian self-perception and identity is the foreign Prince (and, after the proclamation of monarchy in 1881³, the King). During the debates of the Constituent Assembly and the following months, Charles is fully integrated in the arguments of the Romanian members of Parliament, since they see in him the person who incarnates political stability and progress in the development of the nation. Moreover, the foreign Prince is regarded as the "price to be paid" for the protection of the great powers and for their support as guarantee of the political autonomy (in the absence of independence, which is still not possible) *vis-à-vis* the Ottoman Empire. At the beginning of his reign, even the antidynastic voices of the Parliament are quiet (but to only rebound with more force after 1868-1869). By discussing the laws on the coat of arms, the national currency and the national day, the parliamentarians reveal their strong willingness to include Charles in the national narrative and the national symbolic imaginary, and to make visible the signs of state autonomy. In doing that, they adopt a very historicist discourse; the Prince himself, at the same time, aims at being seen a genuine sovereign according to his rank and to his ambitions for the adoptive nation. The issue is all the more serious since the elective monarchical institution according to the Western model does not have a tradition in the Romanian space.

It is clear that as of 1866, the discourse of the "unitary nation" is elevated to the rank of state ideology and immediately becomes the hegemonic narrative. As early as 1866, at the dawn of mass politics in Romania, the parliamentarians compensate for the late and weak statehood (with internal challenges and even separatist movements, and difficult international acknowledgment) with the patriotic rhetoric of national brotherhood and the exclusivist appraisal of "Romanianness". In that, they are the faithful intellectual heirs of the revolutionaries of 1848. One should not lose sight of the fact that during the 19th century, it is the opposition to the near-by empires (in particular to the Ottoman Empire) which constitutes the

¹ Lucien JAUME, "Citizen and State under the French Revolution", in Quentin SKINNER, Bo STRÅTH (eds.), *States and Citizens. History, Theory, Prospects*, Cambridge University Press, Cambridge, 2003, pp. 132-133.

² Pierre ROSANVALLON, *Le sacre du citoyen...cit.*, pp. 271-286.

³ The Congress of Berlin of June 1878 recognizes the independence of Romania, and thus breaks the last legal ties which have bound it for four centuries to the Porte. The logical consequence of independence is the proclamation of the monarchy and the ascension of Charles to the throne as king in March 1881. It is a goal he pursued since his arrival in Romania in 1866.

most powerful binder of the Romanian political community. In this context, 1866 correlates the ideology of the nation with the practical aspects related to the symbols and the instruments of state construction.

During the debate on the law for the coat of arms of the country in April 1867 in the lower house¹, one of the main controversies concerns the shape (open or closed) of the royal crown on the coat of arms and its place; the presence or the absence of the sun and the moon, the pair of dolphins, the head of aurochs² and of the imperial eagle. M. Kogălniceanu is very present in the debate with his observations of a historical nature, just as D. Sturdza³.

Nicolae Ionescu synthesizes best the significances of the debate, beyond its purely aesthetic aspects related to the heraldic. "The political sentiment" which must steer the discussion of this law is, in his opinion, the following:

"The coat of arms of the country must above all be a political symbol. I wish that these new armorial bearings, just like the flag of modern Romania, mean what they represent in our hearts: the constitutional monarchy of unified Romania [...] Also, the coat of arms must be simple and suggestive"⁴.

Or, according to Kogălniceanu, "truly national"⁵, explaining himself to those who, like A. Lahovari⁶, see in the presence of the moon in the coat of arms a possible political sign of recognition of the dependence to the Porte. Thus Kogălniceanu shows, through a lengthy historical excursus the presence of the moon in the coats of arms of Moldavia and Wallachia since the time of ancient Dacia⁷.

It is not only the debate on the coat of arms of the state which is emblematic for the integration of Charles in the national narrative, but also the dialogue between Cezar Bolliac and Ion Ghica (two former revolutionaries of 1848), the president of the Council of ministers, on January 24, 1867, the anniversary of the union of January 24, 1859 under Cuza. Cezar Bolliac asks, at the opening of the session of January 24, that this day be celebrated as "the greatest national anniversary"⁸. The president of the Council, always anxious to observe the parliamentary procedures, answers him that the Parliament did not vote for such a celebration, and he proposes the date of May 10 (the day of the arrival of Charles in Romania in 1866) as the national day: the day, says Ghica, "when we achieved all the wishes expressed by the Romanian nation at various times, in the *ad hoc* divans [of 1857] and in the past assemblies". According to Ion Ghica, it is on May 10 that the final union was proclaimed; on January 24 [1859] "it is only the day when the national will was achieved in a temporary way", whereas the date of the achievement "as eternal as this nation will live" of this wish, is on May 10⁹. But it is the conviction of Cezar Bolliac that January 24 "represents the union [...] of the two sister countries, for the glory and the complete achievement of the idea of unity of all the Romanian nation in one state, of the

¹ MO, no. 75, 2/15 April, 1867, pp. 451-453. The law for the country's coat of arms is voted in the meeting of March 30, 1867, MO, no. 77, 5/17 April, 1867, p. 467.

² Old armorial bearings of Moldavia.

³ MO, no. 75, 2/14 April, 1867, p. 452.

⁴ *Ibidem*.

⁵ *Ibidem*, p. 453.

⁶ *Ibidem*, p. 452.

⁷ *Ibidem*, pp. 452-453.

⁸ MO, no. 22, January 27 / February 8, 1867, meeting of January 24, 1867, p. 143.

⁹ *Ibidem*, p. 144.

re-foundation of Trajan Dacia" and that, consequently, January 24 was "the source from where was born May 10" and the forerunner of the events of May 10¹.

Even if Bolliac tries to give a solemn character to this meeting, the parliamentarians contradict themselves on procedural questions, and they stress that there is no law which determines the national day. Nicolae Ionescu suggests that the day be celebrated by work and acclamations², whereas M. Kogălniceanu rejects the proposal to establish the national day by law, but rather "by the voice of the people which is the voice of God, and the people of Romania, through its representatives, already proclaimed January 24 as national day" in 1862³.

The different positions concerning Cuza's regime are secondary in this controversy. The stakes are rather to fix the hierarchies in the recent collective identity and memory – the union of January 24, 1859 and the arrival on the throne of Charles (on May 10, 1866) –, the members of Parliament thus contributing to the constitution of the national heritage which, in the 19th century, covers the most diverse domains. It is symptomatic that for a circumstantial defender of the foreign dynasty such as N. Ionescu, it is the union of 1859 which represents the founding moment that deserves to be commemorated in the form of a national day. In spite of the differences between Ion Ghica and Cezar Bolliac with regard to the founding moment to be commemorated, it is not, in their case, a question of constitutional patriotism⁴ (namely an attachment to a legal-political unit), even if certain terms could indicate it (like the reference to the *ad hoc* divans of 1857 and to the former assemblies). The object of the commemoration is constituted by the moment when the Romanian nation gives itself a state, which represents the "national will", as well as by the eradication of the (artificial) separation within this same nation (between Moldova and Wallachia). The two speakers affirm in fact that it is the nation which wanted the national union and that, by this union, the nation achieves "eternity" (accessorized, according to Ghica, with the foreign Prince). It is the conviction of the politicians (including Kogălniceanu) that the nation preexists the state and politics, that it is a paramount and a-historical matter which has its own will, the parliamentarians only having to formally acknowledge the object of the commemoration, an object which self-realized and which is obvious in itself. In the opinion of Kogălniceanu, it is not necessary to make a law to establish "the sacred national day"⁵, i.e. that which exists by itself cannot be grasped by the arid words of a law, and the law cannot establish the national day.

The debate on the bill for the creation of a new monetary system and for the manufacture of the national currencies⁶ from March 1867 is a new proof of the

¹ *Ibidem*.

² *Ibidem*.

³ *Ibidem*.

⁴ As formulated by Jürgen HABERMAS, *L'intégration républicaine. Essais de théorie politique*, trad. de l'allemand par Rainer Rochlitz, Fayard, Paris, 1998, pp. 68-77. Of course, his well known expression is formulated in a very recent intellectual context, the context of the multicultural societies which had to regulate, exclusively in legal and political terms, the cohabitation of the citizens having very different cultural, ethnic and linguistic origins.

⁵ According to Nicolae Ionescu's expression, *MO*, no. 22, January 27/February 8, 1867, session of January 24, 1867, p. 144.

⁶ On April 22/May 4, 1867 Charles promulgates the law for the creation of the new monetary system and for the manufacture of the national currencies. The law is voted in the lower Chamber in the meeting of March 29, 1867, and in the Senate in the meeting of April 6, 1867 (*MO*, no. 89, April 22/May 4 1867, p. 523).

desire of the parliamentarians to integrate the foreign Prince in the national narrative and symbols. In the lower house, D. Sturdza reads the report of the Commission in charge with examining the government's draft: the *rapporteur* admits "the peremptory necessity" for such a system, for the sake of exchanges and trade; the absence of the monetary system means "an obstacle to the development of the national wealth"; the members of the Commission accept for the moment the double circulation of the silver and gold currencies, even if they recognize that "the unity of the monetary system is the goal of all the civilized states"¹.

Several historians showed that during the 1860s, in the Principalities were circulating, in parallel, many foreign currencies (sometimes even 75 simultaneously), blocking the development of economy and trade. In 1860, Cuza proposed a bill to establish a national currency (the *romanat*, with the same value as the French *franc*). But the project had to be abandoned because of the important opposition of the Ottoman government as well as the shortage of financial resources. The first Romanian copper coins are produced in England in 1867, immediately after the entry into force of the law discussed in March 1867, while the first gold and silver coins are manufactured in Bucharest in 1870. The attempt to produce gold coins in 1868 is blocked by the opposition of the Porte and of Austria-Hungary. The Porte is opposed to the replacement of the country's coat of arms with the image of Charles, while Austria-Hungary is irritated by the inscription "Prince of all the Romanians"². The silver and gold coins produced in 1870 contain the image of the Prince, with the inscription "Charles I Prince of Romania", without including the sign meant to mark the Ottoman suzerainty. The opposition of the suzerain power is completely ignored in the emissions of currency, from the years 1872-1873. Nevertheless, until 1877 the national currency does not completely dominate the market in Romania³.

The national currency is not only part of the national symbolism, which it incarnated in a more or less valuable metal. It is also a proof of national sovereignty in action, and of the nation's economic capacity. The arguments of the parliamentarians are connected to these three ideas.

Cezar Bolliac takes the first the floor in the general discussion of the bill. Like all his colleagues, he insists on the significance of the national currency, in general, and especially of that made of gold and silver, "signs which attest national sovereignty", "a glory" for the current government. He does not come short of historical considerations to support the idea that, since always, manufacturing currency in the Romanian space meant a proof of sovereignty. To include the image of the Prince on the currency means also to recognize national sovereignty. Furthermore, he adds that the *leu*⁴ is a national symbol, since it was registered in the national coat of arms of the Romanians since their first prince⁵.

¹ MO, no. 74, 1/13 April, 1867, session of March 26, 1867, p. 445.

² For good reasons, since the authors of the inscription really have in mind the Romanians of Transylvania of the Empire (in the logic of the national ideology).

³ Keith HITCHINS, *România...cit.*, p. 217; Dan BERINDEI, *Societatea românească în vremea lui Carol I (1866-1876)*, Ed. Militară, București, 1992, pp. 136-137; Apostol STAN, *Grupări și curente politice în România între Unire și Independență (1859-1877)*, Ed. Științifică și Enciclopedică, București, 1979, pp. 369-370.

⁴ The selected monetary unit in 1867 is called *leu* according to Löwenthaler, currency used in the Netherlands during the second half of the 16th century and which circulated in the Principalities until the second half of the 18th century. Romania adopts by this law of 1867 the decimal and metric monetary system of the Latin Monetary Union, whose members are France, Italy, Belgium, and Switzerland (Keith HITCHINS, *România...cit.*, p. 217).

⁵ MO, no. 74, 1/13 April, 1867, meeting of March 26, 1867, p. 446.

But which are Cezar Bolliac's reasons for resorting to this self-glorification? Isn't the significance of manufacturing currency obvious in itself? Especially since all the parliamentarians (of which, in particular N. Ionescu and P. Cernătescu) agree to vote the law and approve its significance for the recognition of national sovereignty (and since the modifications made to the government's bill by the commission are minimal and of a rather technical nature). Bolliac's position becomes clearer during the debate on the articles of the project, when he declares that it is absolutely necessary to strike silver and gold coins, even in a reduced quantity, "for our national pride", such a gesture having a "moral" dimension. He proposes even an amendment in this direction, supported also by C. Tell¹.

Some parliamentarians² use different terms from those of Bolliac, tempering his national exuberance. According to them, to produce national currency is indeed the proof of political and national sovereignty, but above all it implies a series of economic considerations. The manufacture of a national currency standard will be beneficial for trade and exchanges, and will eliminate the fluctuations in the value of foreign currencies, says Vasile Boerescu. While he agrees with Cezar Bolliac on the significance to produce silver and gold currencies, he is more concerned with the profits which the state can obtain. To manufacture silver and gold currency is too expensive for the state, concludes Boerescu. It adds that the currency "is not only a conventional token of exchange, but also a good which has a real and intrinsic value"³. N. Ionescu defends the same ideas. He rejects calling it "national currency", because "nothing is less national than currency, money is a cosmopolitan thing". Ionescu also rejects Bolliac's considerations by stressing that currency has nothing to do with patriotism, but with "the political economy"⁴. The gradualist position of Ion Brătianu, minister of Interior, is somewhat paradoxical for a former 1848 revolutionary. He endorses a gradual policy of development, appropriate to the means available, while agreeing perfectly with adapting certain Western economic or institutional forms – in the case of currency, the Romanian monetary reform follows the French model, "the French *franc* is our *leu*", he specifies⁵. The same Brătianu continues by adopting a sharp tonality in his response to C. Bolliac: "It is not by things which shine that we will develop, but by adopting measures and actions which reinforce our sovereignty and which make it depend only on us"⁶ – this is a direct hint to Bolliac's proposal to send abroad gold and silver currency struck in the Principalities, "by which we could show them our rights"⁷.

The parliamentary debates of March-April 1867 complete the process of the integration of Charles in the national narrative. The inscription of his image on the national currency and of the characteristics of his dynasty on the coat of arms of the state reinforces, from a material point of view, the rhetoric of the members of Parliament deployed for legitimating the foreign Prince. Because foreign, he needs all the more the symbolic and discursive means of legitimation, being surrounded, as of its arrival in the country, by a ritual and a rhetoric designed to make him accepted,

¹ MO, no. 75, 2/14 April, 1867, meeting of March 26, 1867, p. 450.

² Of which also G. Ghica, MO, no. 74, 1/13 April, 1867, meeting of March 26, 1867, p. 446.

³ MO, no. 74, 1/13 April, 1867, meeting of March 26, 1867, p. 446.

⁴ *Ibidem*, pp. 446-447.

⁵ *Ibidem*, p. 447.

⁶ *Ibidem*.

⁷ C. Bolliac, *ibidem*, p. 446.

as Romanian Prince, at the same time by the nation and by its elites. This is why Charles is introduced from the very beginning as the heir of the historical struggles of the Romanians for national self-determination and independence; his integration in the local historical context thus needs the constant reference to the mythical figures of the Romanian Middle Ages – as their continuator and successor, as the one which completes the centuries-old dream of national unification¹. The medieval references of the national imaginary, transferred on the person of Charles, will be supplemented by new reference marks, but only after obtaining state independence, when, following his military successes during the war of independence, his own symbols are attached². By these historical arguments – at the same time synthetic and selective in what they elude (the internal periods of conflicts, foreign dominations and moments of national humiliation) – the members of Romanian Parliament are the continuators of the historicist discourse of the revolutionaries of 1848, a narrative which considers the history as a continuous flow that seeks its realization and its completion. For sure, in the logic and discursive scheme of the members of Parliament, Charles incarnates, paradoxically, the end of history, i.e. the continuous march of the Romanian nation towards its national self-determination.

The Prince himself willingly accepts his integration in the national imaginary and symbolic system. His participation in the symbolic gestures (including his participation in the values and rituals of the Orthodox Church) and in the national rhetoric legitimates and consolidates his own position, and corresponds to his ambition to obtain complete independence as soon as possible. At the same time, it shows that he is integral part of the national entity and that he accepts its values and traditions. In the case of Charles it is not a question of total adoption of Romanian symbols and values, but of a selection of certain symbols and certain images which have a direct reference to national self-determination and the fight for independence, represented as the dominant elements of the history of the Romanians³. This "syndrome of independence", already present in the writings of the 1848 revolutionary historians, has a strong potential of cohesion among the various orientations in society and in the Parliament, in general, as well as between society and the Prince, in particular.

¹ Edda BINDER-IJIMA, "Rites of Power at the Beginning of the Reign of prince Charles, 1866-1881. Means of Legitimation of a Foreign Dynasty", *Revue des Études Sud-Est Européennes*, vol. 32, no. 3-4, 1994, p. 211. For the comprehensive analysis, see IDEM, *Die Institutionalisierung der rumänischen Monarchie unter Carol I. 1866-1881*, R. Oldenbourg Verlag, München, 2003.

² *Ibidem*, p. 212.

³ In this paragraph I followed Edda BINDER-IJIMA, "Rites of Power...cit.", pp. 212-213.